

# IDENTIFYING ALTERNATIVES TO GUARDIANSHIP

This tool was designed to help with identifying a person's ability to make decisions and manage key areas of life. It is intended to help with exploring alternatives and less restrictive options to general or full guardianship.

Person in Need of Support: \_\_\_\_\_

Name of person completing this form: \_\_\_\_\_

Relationship to person (*circle one*): Self Family Friend Guardian Other: \_\_\_\_\_

How long have you known the person? \_\_\_\_\_ Today's Date: \_\_\_\_\_

**Step 1:** Discuss each question and decide whether this is something the person is already able to do independently most of the time? If so, check the GREEN column. If the person cannot do this now independently or with the supports already in place, check YELLOW. Do not check the RED column at all yet.

**Step 2:** When you have completed all the questions, explore how the person can get the support for decision-making for everything checked off in the yellow column. Use the Options & Alternatives to Guardianship Star Tool to look to one or a combination of less restrictive alternatives, including:

- Supported Decision-Making
- Powers of Attorney
- Substitute Health Care Decision-Maker
- Representative Payee
- Other financial options include limited and/or joint bank accounts, direct deposit and automatic bill pay, as well as special needs trusts.

**Step 3:** Check the red box only if there is not alternative support available that can help meet the person's needs. For items in red, consider whether a limited guardianship (for example, temporary and/ or only medical or financial) would be appropriate. Remember: Legal guardianship is not always the right tool to address a need that may be identified in the red column – e.g., helping a person maintain a job or stop taking certain risks. Once you have a guardianship, it can be hard to remove. Getting a person a general or full guardian should be the last resort for support.

NOTE: The answers to these questions will likely change: we expect decision-making abilities grow and change over time. This form should be revisited as many times as necessary, but at the very least, once a year.



Good to Go  
Person Can Make  
Decisions with  
Supports in Place

Can person  
decide or direct  
this activity  
independently  
most of the time?

Or, could they  
decide or direct  
this if they had  
some practice  
and support?



Person May Need  
More Supports  
for Decision-  
Making

With support, can  
this person  
decide or direct  
this activity most  
of the time?

Or could the  
person learn to  
do this?



Consider  
Guardianship  
Options Only if  
Other Supports  
Are Not Sufficient

Is the person not  
able to decide or  
direct this  
activity, even with  
support?

Would a  
substitute  
decision-maker  
be helpful?

This tool was adapted by the DC Department on Disability Services, in partnership with the DC Developmental Disabilities Council, Disability Rights DC/ University Legal Services, Georgetown University Center for Excellence in Developmental Disabilities and Quality Trust for Individuals with Disabilities, from tools developed by University of Missouri-Kansas City Institute for Human Development, University Center for Excellence in Developmental Disabilities (2015). (Last revised 2-2016)

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Good to Go  
(with Supports in Place Now)



Consider More Supports for Decision-Making



Consider Guardianship

### DAILY LIFE & EMPLOYMENT

Can the person make and communicate choices in regard to employment or retirement activities?

Can the person look for and find a job or retirement activities? Could they go to RSA or a One Stop? Do they know to ask their network for help?

Can the person manage their money? Can they pay their bills?

Can the person manage the public benefits (like SSI or SSDI) he or she is supposed to receive?

Can the person identify and resist financial exploitation?

### HEALTHY LIVING

Can the person decide and direct what kinds of support they need or want for activities of daily living?

Can the person choose who provides those supports?

Can the person make decisions about where, when, & what to eat?

Can the person follow a prescribed diet and/or take medicines as directed?

Does the person understand the health effects of high risk behaviors like substance abuse, smoking, having unprotected sex, and/or overeating?

Does the person understand the need to maintain personal hygiene and dental care?

Can the person make and communicate decisions about medical treatment, including understanding the consequences of not accepting treatment?

Can the person alert others and seek medical help for serious health problems?

### PERSONAL SAFETY & SECURITY

Does the person avoid common dangers like traffic, sharp objects, hot stove, or poisonous products?

Can the person recognize when someone is taking advantage of them, hurting them, or abusing them (physical, sexual, emotional) and protect themselves?

Does the person know who to contact if they are in danger, being exploited, or being treated unfairly?

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Good to Go  
(with Supports in Place Now)



Consider More Supports for Decision-Making



Consider Guardianship

## SOCIAL & SPIRITUALITY

Does the person understand that how we talk with and, especially, touch others depends on the type of relationship we have with them – whether they are family, friends, co-workers, support staff, boyfriend/girlfriend, etc.?

Does the person understand the potential outcomes about decisions to marry and have sexual relationships?

Does the person understand consent and permission in regards to sexual relationships?

Can the person access community resources like church or a local recreational center?

## COMMUNITY LIVING

Does the person understand what is involved with managing a home that is safe, like having regular home maintenance, and safe, secure and sanitary conditions.

Can the person access community resources to function successfully and safely in community settings? Does the person know how to use transportation? Go to the bank or use an ATM? Go shopping? How and when to call for emergency services?

## CITIZENSHIP & ADVOCACY

Can the person understand and communicate consent and/or permissions regarding legal documents like a basic contract or power of attorney? Or can the person agree to services like an attorney or advocate?

Can the person choose someone they want to support them with making their own decisions, if they want that kind of help? Can the person pick someone to make decisions on their behalf, if they cannot do it themselves?

Does the person understand his or her right to vote?

Does the person understand how to follow the law and how to not commit crimes?

Can the person communicate approval to share information with parents, family members, and friends who are not legal guardians?

## **IMPORTANT TERMS TO UNDERSTAND**

Powers of Attorney: A person knowingly and voluntarily signs a legal document that identifies someone they trust to act for them.

Representative Payee: The Social Security Administration appoints someone to manage a person's Social Security benefit.

Substitute Health Care Decision-Maker: A person has a family member or friend who can make health care decisions that the person cannot make, even with support

Supported Decision-Making: A person with a disability to makes their own decisions by using support networks to help understand the issues and choices, ask questions and receive answers in language they understand, and communicate their own decision to others.

## **NOTES**

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